

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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UNITED STATES OF AMERICA

v.

JOHN J. DIAMONT, JR.

Defendant.

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CRIMINAL NO. 05-10154-MLW

**DEFENDANT’S OPPOSITION TO THE STROGOFFS’ MOTIONS TO QUASH**

Defendant John Diamont opposes nonparties Yale Strogoff, Roberta Strogoff, and Steven Strogoff’s (the “Strogoffs”) Motion to Quash the subpoenas that Mr. Diamont issued to two of the Strogoffs’ accountants and administrators. The Strogoffs lack standing to move to quash these subpoenas. Indeed, Mr. Diamont is working cooperatively with the subpoenaed entities to obtain the requested documents. For the reasons that the defense has stated in numerous briefs and hearings before this Court, and that the Court reiterated during the February 27, 2006, hearing on a different motion to quash these same subpoenas, Mr. Diamont is entitled to obtain these documents in order to prepare his defense. The Court has already held that these documents are relevant to this proceeding and reasonably discoverable, and the Strogoffs have made no showing that the documents are privileged, that the documents are protected by any statute, or that compliance with the subpoena would otherwise be “unreasonable or oppressive.”<sup>1</sup> Fed. R. Crim. P. 17(c)(2). Mr. Diamont accordingly requests that the Court deny the Motion to Quash.

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<sup>1</sup> The Strogoffs also failed to comply with Federal Rule of Criminal Procedure 17(c)(2)’s requirement that any motion to quash be made “promptly” and with Local Rule 7.1’s requirement that counsel confer before filing any motion.

Respectfully submitted,

JOHN DIAMONT

By his attorneys,

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Dated: March 6, 2006

**CERTIFICATE OF SERVICE**

I, Lauren M. Papenhausen, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on March 6, 2006. Specifically, a copy will be sent via Federal Express to William A. Brown, Esq., at the following address:

31 Milk Street  
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/s/ Lauren M. Papenhausen

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